



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK NY 10020-1105

COPY MAILED

DEC 18 2006

OFFICE OF PETITIONS

In re Application of :
Corvin, et al. :
Application No. 09/775,202 :
Filed: February 1, 2001 :
Attorney Docket No. UV-181 :
For: SYSTEMS AND METHODS FOR
PROVIDING PROMOTIONS WITH
RECORDED PROGRAMS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on October 5, 2006 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to properly respond to the final Office action mailed March 16, 2006, which set an extendable three month period for reply. Applicants submitted a three month extension of time and an amendment after final on September 18, 2006. The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the September 28, 2006 Advisory action. Accordingly, this application became abandoned on September 17, 2006. A Notice of Abandonment was mailed on October 17, 2006.

Applicants have submitted a RCE and required fee and a request to use the previously filed amendment as the submission in reply to the March 16, 2006 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the March 16, 2006 final Office action, and the petition fee.


Regarding the statement of delay: The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR

1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioners are required to provide a statement to that effect.

Petitioners have met the requirements for revival under 37 CFR 1.137(b). The petition is granted.

After the mailing of this decision, the application will be forwarded to Technology Center AU 2623 for consideration of the RCE filed on October 5, 2006.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions